

Phase Two - Preemption

Fact Discovery related to preemption, including the production of pertinent portions of Merck's regulatory file, and any reasonably necessary depositions to be completed by November 4, 2021; Merck's motion for summary judgment and supporting documents would be December 6, 2021; Plaintiffs' response would be due on January 17, 2022; and Merck's Reply would be due on February 7, 2022.

The Court inquires as to issue of causality.

Mr. Marshall believes that would be addressed in a 3rd phase (medical and proximate causation issue).

Trial dates will be set at a later date.